

## Town of Eden - Planning Board Minutes

January 5, 2022 7:00 pm

---

This meeting was held virtually through GoToMeeting.com.

The meeting link was made available to the public so that they had an opportunity to listen.

---

**MEMBERS** William Mahoney, Chairman

**PRESENT** Andy Romanowski

Brian Reed

Dave Brodzinski

Frank Meyer, DDS

Dave Brodzinski

Marc Timblin

Andrew Tarasek

Joe Eppolito

**ABSENT:** Bill Zittel

**OTHERS:** Town Engineers – Ted Donner, Brian Kulpa

Town Council - Richard Ventry

Code Enforcement Officer – Dave Rice

Town Supervisor – Melissa Hartman

ZBA Chair - Kristin Kent

Crescent Manufacturing – Emily Frazer

Mr. Mahoney called the meeting to order at 7:00pm and welcomed new alternate board members Andrew Tarasek and Marc Timblin. The board also congratulated Dave Brodzinski on his appointment as a regular board member to complete Mr. Weiss' term. Mr. Mahoney was also reappointed for another 7-year term.

### **Minutes from last meeting:**

**Mr. Eppolito made a motion to approve the minutes from the December 1, 2021 meeting. Seconded by Dr. Meyer; Motion approved unanimously.**

### **Crescent Manufacturing – Special Use Permit at 8800 S. Main Street:**

Emily Frazer, Vice President of Crescent Manufacturing, was present to speak about their business and future plans. This has been a family business for over 30 years. They started in Eden at 8698 S. Main Street where the straw factory was operating years before. They later moved to 8800 S. Main Street for more space and a better facility for their needs. They currently operate manufacturing out of North Collins and own a second warehouse in Silvercreek that is used for storage only. They have a 5-year lease with the owner of 8800 S. Main in Eden that is presently used for storage, shipping and receiving. They wish to continue using the Eden location for storage, but are negotiating purchasing the property. The ideal plan would be to sell the Silvercreek facility, purchase the Eden property and move production to Eden. The Eden location has a much better layout for production.

Mr. Rice updated the board on the Special Use Permit for this address that was formerly granted to Dr. Bob's Storage. As of 2021, Dr. Bob did not renew his Special Use Permit and the property is no longer being used for

storing campers, boats and vehicles. Mr. Rice was at the property to conduct a fire inspection in November and discovered that the majority of the building is being used for storage, shipping and receiving.

Mr. Mahoney asked about the number of trucks operating daily and the number of employees on site. Ms. Frazer replied approximately 10-15 trucks are operating daily and 3 employees on site every day, but they could build that to 8 employees on site within a year. There is office space available to rent out as well. Mr. Eppolito asked about the type of product that they manufacture. Ms. Frazer explained that they produce soaps and household cleaners. Mr. Reed asked if any of the products currently located at the site for storage, shipping or receiving are toxic or produce toxic odors. Ms. Frazer responded that there are no toxic odors or hazardous materials stored at this site. Mr. Mahoney explained the process for Town Board approval of a Special Use permit at 8800 S. Main Street and what the next steps should be.

- Short form SEQR  
(Representing change from Manufacturing use to current Truck Terminal/ Storage)
- Basic site plan with:
  - Aerial view
  - Approximate property lines
  - Indicate which portions of the building are used for what (office, truck storage, product storage, etc.) and what kind of material is to be stored and where (**currently and projected**)
- Brief written summary of current traffic (typical number of employee vehicles/delivery vehicles) and number of permanent daily employees, drivers, etc. (**currently and projected**)
- Install sprinklers by the first annual renewal date. The Special Use Permit would need to be renewed annually.

A timeline would be helpful, explaining how to move forward. Return for the February 2<sup>nd</sup> meeting with some details and the Planning Board will provide recommendations to the Town Board.

The outdoor storage that is currently on the property belongs to Shawn Bishop of Bishop Disposal. Mr. Bishop has an agreement with the property owner to provide snow removal in exchange for outdoor storage.

### **Minor Subdivision – 7369 N. State Road**

The Zoning Board of Appeals approved an area variance for the proposed subdivision to allow for a smaller lot size in order to preserve farm land. Mr. Henry wishes to separate his home property from the farm land. Ms. Kent stated that the Zoning Board's decision to approve the variance relied heavily on protecting farmland and preserving heritage farms. **Mr. Mahoney made a motion to approve the minor subdivision at 7369 N. State Road in accordance with the Zoning Board variance approval and the owner's effort to preserve farmland, seconded by Dr. Meyer; Motion approved unanimously.**

### **Proposed Zoning Amendments**

A select steering committee along with the Town's planning consultants, CPL, have been working on strategic zoning updates funded by the 2020 Erie County Agricultural Protection Planning grant. To date, the following general amendments to the code (including non-zoning sections as noted below) have been reviewed and recommended, in line with the goals and recommendations of *Cultivate Eden*, the Town's Comprehensive Plan. The following provides a high-level overview of the amendments.

1. Definitions (§225-4)

- i. Amending/adding the following: Accessory Uses; Agriculture; Animal Services; Brewpub; Hobby Farm; Pond; Retail Sales, Artisan; Retail Sales, Agricultural Products; Restaurant; Short-Term Rental (see #3b below)
2. Article 3
  - i. New/revised districts (§225-5) – Changes made to implement and comply with the goals of the Comprehensive Plan. The information for MU1/2 as part of Local Law 1-2020 were also brought in as part of the update.
  - ii. Zoning Map (§225-6) – several district boundaries reflecting changes noted above
3. Article 4
  - i. Reformatted table for uses and dimensional requirements (i.e., bulk table) – Article 4, §225-10 through §225-14 – for easier understanding and enforcement. Specific use regulations were brought into this section from Article 6 (§225-32), as well as any specific regulations that were called out in the original version, for “one stop shopping” for use categories within each district, §225-11 through §225-13.
    1. Additional use regulations added include: Accessory Dwelling Units (§225-12B(1)), Boarding/Grooming (§225-13B(4)), Bed & Breakfast (§225-13B(8)), Short-Term Rental (§225-13B(8))
    2. §225-15.1 (Route 62 Hamlet Overlay) would be renumbered to §225-15. References to the 2015 Comprehensive Plan were generalized and Zoning Districts in subsection A2 were updated to reflect changes noted in #2 above.
    3. §225-16 through §225-20 would be reserved
    4. §225-21 (Floodplain Overlay), §225-21.1 (Creekside Open Space Overlay), and §225-21.2 (MS4 Overlay) would remain as is. References to the 2015 Comprehensive Plan were generalized and the “boundary description” in subsection B2 was generalized as well to remove reference to 2015 Vision Map.
4. Article 6
  - i. Amending the name from “Supplementary Regulations” to “Regulations Applicable to All Districts”
  - ii. Amending §225-27 (Parking and Loading) – copied info from other section(s)
  - iii. Amending §225-32 from “Supplementary use regulations” (these were moved to applicable sections in §225-10 through §225-14 in Article 4 above) to “Excavation” (text from former §225-32D moved here)
  - iv. Amending §225-33 (Clustered open space) – Added purpose statement, procedures, headings to subsection (for clarity), clarified open space permitted uses under subsection 5
  - v. Amending §225-34 (Transfer of Development Rights) – changed District designations/abbreviations to reflect revisions from #2.
  - vi. Amending §225-35 (Home Occupations) – copied from other section(s). Did not include bed and breakfast regulations as that is covered under Article 4 now.

- vii. Amending §225-35.1 (Private Swimming Pools) – copied from other section(s)
  - viii. Amending §225-35.2 (Stand-alone Storage Structures) – copied from other section(s), new subsection added re: storage structures with no primary structure
  - ix. Amending §225-35.3 (Ponds) – copied from other section(s), Districts updated
5. Chapter 184 – Subdivision
    - i. Amending §184-22 (Clustered open space) - amending the name from “Clustered open space” to “Clustered Development”
    - ii. Added purpose, authority, amended District references, amended lot reductions, amended open space, added siting guidelines & procedures
  6. Chapter 172 – Solar Energy Systems
    - i. Amendments to address decommissioning, host agreements, additional standards for utility scale, added definitions, district designations, etc. This was also reviewed by Kristin Kent, involved in the original drafting of this section of the code.
  7. Chapter 217 – Wind Energy Conversion Systems
    - i. Definitions – Better clarified difference between wind energy conversion systems (i.e., small scale) and windmill farms (i.e., utility/large scale) and added measurement towers
    - ii. Updated zoning districts based on #2 above.
    - iii. Clarified fall zone as 1.5 times (as opposed to “sited so that tip over will be harmless to others”)
    - iv. Rotor safety to include ice throw and moved blade throw to subsection C5.
    - v. Noise (C8) – compliance to be provided by applicant/owner/operator
    - vi. Interconnection (i.e., grid tied) as a secondary element for small scale, but not a primary (C13).
    - vii. Visual assessment required, including shadow flicker, for windmill farms (C17)
    - viii. Host Community Agreement and Road Use Agreement added to subsection C
    - ix. Consultant fees with reimbursement to the Town added in §217-5
2. Zoning amendment process for reference
    1. Amended sections to be provided from this committee to the Planning Board pursuant to [§225-48 \(Amendments\)](#) for a formal report and then recommended to the Town Board prior to scheduling a public hearing. Any necessary changes can be addressed.
    2. Town Board to review and make any additional necessary changes now or following the public hearing. Town Board to schedule a formal public hearing, initiate SEQRA as the Lead Agency (Type 1 action but no other Involved Agencies, County is interested only), and send referral to County Planning (239m).
    3. Public hearing held; comment period (written) can be extended beyond hearing is necessary/desired. SEQRA determination can be made following public hearing if applicable. If County comments received prior to this, no substantial public comments provided, and Town Board satisfied with the amendments, they can adopt the zoning changes following the hearing.

If County comments not received, comments from public provided that need to be addressed, and/or the Town Board requests additional changes, SEQRA determination and adoption can occur at next meeting.

Planning Board members, Town engineers and members of the Ag Zoning committee discussed the proposed amendments.

**Mr. Mahoney made a motion** to recommend to the Town Board that they review, amend as they see fit, and adopt the following code changes. This recommendation is based on the Planning Board's review and the efforts of the various subcommittees that have worked over the last year to better align our codes with the comprehensive plan that was adopted April 11, 2018. The following sections of the code are being recommended for review and adoption along with the following additional changes.

1. 225-4 Definitions
  - a. no additional changes
2. Zoning map and Article III - Zoning Districts and Zoning Map
  - a. Re-zone Park areas to match existing county Park lots
  - b. Eliminate R1 change to R2 or RR as appropriate
3. Article IV – Use Regulations
  - a. Cannabinoid Hemp Products Sales eliminate the “-S” under MFR
  - b. Review all of Kristen Kent's mark ups and make corrections accordingly.
  - c. Eliminate R1
  - d. Add MU1 and MU2 to the chart with P in all areas except Agricultural uses.
  - e. Article 225-12 Residentials Uses
    - i. R-2 125' front yard where sewer and water don't exist
    - ii. R-2 75' front yard where sewer and water exist
    - iii. Other corrections to the coverages and sections to be circulated to the planning board discussed, finalized and submitted as part of this recommendation.
4. Article VI Regulations Applicable to All Districts
  - a. no additional changes
5. 184-22 Cluster Development
  - a. No additional changes
6. Chapter 172 Solar Energy System
  - a. No additional changes
7. Chapter 217 Wind Energy Conversion System
  - a. No additional changes

**Seconded by Mr. Reed; Motion approved unanimously.**

The Code Review Recommendations were tabled. The board plans to review them at the February meeting.

**Mr. Eppolito made a motion to adjourn the Planning Board meeting. Seconded by Mr. Brodzinski; Motion approved unanimously.**

The next meeting is tentatively scheduled for February 2, 2022 at 7:00 pm.

Respectfully submitted,  
Jen Crowe, Secretary